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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KATHLEEN HANNA and JOHANNA FATEMAN,

Plaintiffs,

v.

BARRY IMBERMAN A/K/A BARRY MANN,
WIXEN MUSIC PUBLISHING, INC., and DYAD
MUSIC, LTD.,

Defendants.

Case No. 21-cv-8337

ECF CASE

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiffs Kathleen Hanna and Johanna Fateman (collectively, “Le Tigre” or “Plaintiffs”), by and through their attorneys at Lex Lumina PLLC, for their complaint against defendants Barry Imberman a/k/a Barry Mann (“Mr. Mann”), Wixen Music Publishing, Inc. (“Wixen”), and Dyad Music Ltd. (“Dyad”) (collectively, “Defendants”) hereby allege, on knowledge as to their own conduct and otherwise on information and belief, as follows:

NATURE OF THE ACTION AND RELIEF SOUGHT

1. This is a civil action seeking a declaratory judgment, injunctive relief, and damages for tortious interference arising from the very recent and improper assertion by Mr. Mann and Wixen that Le Tigre’s popular 1999 punk-pop feminist anthem “Deceptacon”

infringes Defendants' copyright rights in Barry Mann's 1961 doo-wop style novelty song "Who Put the Bomp (in the Bomp, Bomp, Bomp)" (hereinafter referred to as "Bomp").

2. More than twenty years after Deceptacon's release and following two decades of wide distribution and industry and cultural recognition of Le Tigre's most popular song, Mr. Mann and Wixen now assert that Deceptacon infringes Defendants' copyright rights in Bomp by repurposing a small portion of lyrics. The Bomp lyrics putatively at issue are mainly comprised of song titles and non-lexical vocables (nonsense syllables used in music). But Mr. Mann did not create these vocables or song titles; rather, it appears that Mr. Mann and his co-writer copied them from Black doo-wop groups active during the late 1950s and early 1960s. Specifically, it appears that Mr. Mann took "bomp-bah-bomp-bah-bomp" from The Marcells' distinctive version of "Blue Moon," which sold over a million copies, and "rama lama ding dong" from the Edsels' then-popular "Rama Lama Ding Dong." In short, the Bomp lyrics at issue are not original to Mr. Mann, and Defendants have no legitimate copyright claim in them.

3. Additionally, even if Defendants had a legitimate claim to ownership of the small portion of Bomp lyrics at issue, they nonetheless have no copyright infringement claim against Le Tigre or its licensees because Le Tigre's transformative use of those lyrics in Deceptacon is an emblematic case of fair use under Section 107 of the Copyright Act, 17 U.S.C. § 107.

4. Deceptacon's reference to and inversion of the Bomp lyrics at issue delivers a stinging indictment and parody of Bomp, which is clear from a comparison of the songs' lyrics and sharply contrasting musical styles, as critics have noted over the decades. Bomp, written from a man's perspective, begins with the statement: "I'd like to thank the guy who wrote the song that made my baby fall in love with me." Bomp's singer asks, "Who put the bomp in the bomp bah bomp bah bomp?" and "Who put the ram in the rama lama ding dong?" Deceptacon,

by contrast, is a feminist anthem that begins with the proposition that music “is sucking my heart out of my mind” and continues to ask, “Who *took* the bomp *from* the bomp-a-lomp-a-lomp?” and “Who *took* the ram *from* the rama-lama-ding-dong?” Thus, Le Tigre’s use of the lyrics that appear in Bomp instills those lyrics with a new meaning that is directly at odds with and a clear criticism of the message in Bomp, which is precisely the sort of fair use that Section 107 of the Copyright Act is designed to protect.

5. Despite Defendants’ lack of any colorable basis to allege that Deceptacon infringes the copyright in Bomp, Defendants have sent cease-and-desist letters to Le Tigre’s publisher and licensee claiming copyright infringement and demanding an accounting and payment under threat of imminent lawsuits.

6. Because Defendants have no legitimate copyright claim in the Bomp lyrics putatively at issue, and because Le Tigre’s use of those lyrics, even if they were protected by copyright, is lawful under the statutory “fair use” doctrine set forth in Section 107 of the Copyright Act, Le Tigre brings this action to clarify the rights of the parties and to refute Defendants’ assertions of copyright infringement.

7. Le Tigre also seeks damages for tortious interference with prospective economic advantage, in compensation for Defendants’ knowing and material misrepresentations to Le Tigre’s publisher and licensee that Deceptacon infringed Defendants’ copyright interests.

PARTIES

8. Plaintiff Kathleen Hanna is an American singer, musician, artist, feminist activist, pioneer of the feminist punk riot grrrl movement, and punk zine writer. In the early-to-mid-1990s, she was the lead singer of feminist punk band Bikini Kill, before founding and fronting Le Tigre in the late 1990s and early 2000s. Since 2010, she has recorded as The Julie Ruin and

in 2013 was the subject of a documentary film, *The Punk Singer*, detailing Ms. Hanna's life and career. She resides in South Pasadena, California.

9. Plaintiff Johanna Fateman is an American writer, songwriter, musician, record producer, and entrepreneur. She was a founder and member of the post-punk rock band Le Tigre and was a founder and member of MEN, a Brooklyn-based band and art/performance collective. Ms. Fateman resides in New York City.

10. Defendant Barry Imberman a/k/a Barry Mann is an American songwriter and musician. On information and belief, Mr. Mann resides in Beverly Hills, California.

11. Defendant Wixen Music Publishing, Inc. is a provider of publishing administration, copyright management, and royalty compliance services based in Calabasas, California. On information and belief, Wixen claims to control (on behalf of Dyad) 50% of the copyright interests in Bomp.

12. Defendant Dyad Music, Ltd. is a music publishing company owned and operated by Mr. Mann and Cynthia Weil, incorporated in Delaware, and based in Calabasas, California.

JURISDICTION AND VENUE

13. This action arises under the copyright laws of the United States, 17 U.S.C. §§ 101, *et seq.*, and the laws of the State of New York.

14. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1338 and the Declaratory Judgment Act, 28 U.S.C. § 2201. This Court also has subject matter jurisdiction over Plaintiffs' state law claim pursuant to the principles of pendent jurisdiction.

15. This Court has personal jurisdiction over Defendants because Defendants intentionally caused harm to Le Tigre in New York, issued their copyright threats to Le Tigre's

publisher and a licensee's representative both located in New York City, and, on information and belief, conduct regular business in New York.

16. Venue for this action is proper under 28 U.S.C. §1391(b)(2).

FACTUAL ALLEGATIONS

Bomp's Appropriation of Doo-Wop Music in 1961

17. Bomp, recorded by Mr. Mann and a Top 10 hit in 1961, is a pastiche of early-Rock-and-Roll era doo-wop songs, mostly by Black artists, that were popular in the 1950s and 1960s. In Bomp, Mr. Mann "sings about the frequent use of nonsense lyrics in doo-wop music, and how his girl fell in love with him after listening to several such songs."

[https://en.wikipedia.org/wiki/Who_Put_the_Bomp_\(in_the_Bomp,_Bomp,_Bomp\)](https://en.wikipedia.org/wiki/Who_Put_the_Bomp_(in_the_Bomp,_Bomp,_Bomp)).

18. The lyrics of Bomp are as follows:

I'd like to thank the guy
Who wrote the song
That made my baby
Fall in love with me

Who put the bomp
In the bomp bah bomp bah bomp?
Who put the ram
In the rama lama ding dong?
Who put the bop
In the bop shoo bop shoo bop?
Who put the dip
In the dip da dip da dip?
Who was that man?
I'd like to shake his hand
He made my baby
Fall in love with me (yeah!!)

When my baby heard
"Bomp bah bah bomp"
"Bah bomp bah bomp bah bomp bomp"
Every word went right into her heart
And when she heard them singin'
"Rama lama lama lama"

“Rama ding dong”
She said we’d never have to part
So

Who put the bomp
In the bomp bah bomp bah bomp?
Who put the ram
In the rama lama ding dong?
Who put the bop
In the bop shoo bop shoo bop?
Who put the dip
In the dip da dip da dip?
Who was that man?
I’d like to shake his hand
He made my baby
Fall in love with me (yeah!!)

Each time that we’re alone
Boogity boogity boogity
Boogity boogity boogity shoo
Sets my baby’s heart all aglow
And everytime we dance to
Dip da dip da dip
Dip da dip da dip
She always says she loves me so
So

Who put the bomp
In the bomp bah bomp bah bomp?
Who put the ram
In the rama lama ding dong?
Who put the bop
In the bop shoo bop shoo bop?
Who put the dip
In the dip da dip da dip?
Who was that man?
I’d like to shake his hand
He made my baby
Fall in love with me (yeah!!)

Darling, bomp bah bah bomp, bah bomp bah bomp bomp
And my honey, rama lama ding dong forever
And when I say, dip da dip da dip da dip
You know I mean it from the bottom of my boogity boogity boogity shoop

<https://genius.com/Barry-mann-who-put-the-bomp-in-the-bomp-bomp-bomp-lyrics>.

19. The non-lexical vocables that comprise the bulk of Bomp’s lyrics – “bomp bah bomp bah bomp,” “rama lama ding dong,” “bop shoo bop shoo bop,” “dip da dip da dip,” and “boogity boogity boogity boogity boogity boogity shoo” – apparently were appropriated by Mr. Mann from Black doo-wop songs that were popular around 1961. For example, both Bomp’s “bomp bah bomp bah bomp” and “dip da dip da dip” appeared in The Marcells’ version of “Blue Moon,” which landed on the charts earlier that year. Bomp’s “rama lama ding dong” was the title of and the bulk of the lyrics in The Edsels’ popular song “Rama Lama Ding Dong,” which was recorded and released in 1957 but did not reach the charts until the months before Mr. Mann recorded Bomp. Bomp’s “boogity shoo” appears to have been plucked from the lyrics of “Pony Time” by Chubby Checker, also released earlier in 1961.

20. The music of Bomp likewise mimics that of the Black doo-wop artists popular at the time, and Mr. Mann performed the song in the style of those Black doo-wop artists, including using the Halos, a Black doo-wop group from the Bronx, as backup singers.

Le Tigre and Their 1999 Feminist Anthem, Deceptacon

21. Le Tigre was an American post-punk electronic band formed by Ms. Fateman, Ms. Hanna, and Sadie Benning in 1998 that was active through the 2000s. Le Tigre’s music became widely known for its sociopolitical messaging, often addressing issues of feminism and the LGBTQ+ community, and “mixed punk’s directness and politics with playful samples, eclectic pop, and lo-fi electronics.” https://en.wikipedia.org/wiki/Le_Tigre. Though the members of Le Tigre moved on to other endeavors, they have reunited over the years for specific projects, including producing Christina Aguilera’s song “My Girls” in 2010 and releasing (as Le Tigre) in 2016 a song and video, “I’m with Her,” in support of Democratic presidential nominee Hillary Clinton.

22. Le Tigre released its eponymous debut studio album, *Le Tigre*, on October 25, 1999. Deceptacon is the opening track on the album, which received glowing reviews from music critics. *Spin* wrote that *Le Tigre* “sparkles with a joie de vivre more bubbly than a pink champagne” and continued that “the sound is as charming as the stories they tell,” and the magazine later named it the 10th best album of 2000. *The Village Voice* writer Robert Christgau wrote of the album that “Hanna does the unprecedented—if not, apparently, impossible—and reinvents punk again.” *PopMatters* described the album as “a record in which bristling punk-pop tunes target listeners with confrontational, thought-provoking messages.” *AllMusic* declared that *Le Tigre* sounded “like the best new wave album not to come from the 1980s.” *Select* pronounced the album “a righteous gem and one worthy of attention of even the most demanding devotee of big shiny production.” *Pitchfork* praised the album’s songwriting as “geared for the repeated listens these well-crafted pop songs beg for.”

23. Over the last 22 years, Deceptacon has become a popular feminist anthem and underground classic. The song has been streamed almost 69 million times on Spotify alone. It was been featured widely in online videos as well as commercials and traditional films, including (but not limited to) commercials for Pandora Radio and The Gap, the 2003 skateboarding film *Yeah Right!*, the 2006 Norwegian film *Reprise*, the 2014 animated film *The Book of Life*, the 2015 documentary film *Hurricane of Fun: The Making of Wet Hot*, the Netflix series *Special*, the trailer for the 2019 film *Between Two Ferns: The Movie*, and the 2020 Disney film *Secret Society of Second-Born Royals*.

24. Deceptacon also has been widely written about in industry publications and in the popular press over the last 22 years. Critics readily recognized its transformative purpose. For example, in 2000, in a review shortly after the release of *Le Tigre* and Deceptacon, critic Mark

Jenkins wrote in *The Washington Post* that Le Tigre’s “most vehement songs” – like Deceptacon – “burst out of the bedroom and onto the barricades” and noted the album’s lead off with Deceptacon’s inversion of Bomp to make its artistic and political statement. Jenkins observed that, in Bomp, “the person who put the bomp ‘made my baby fall in love with me.’ But in these less innocent times, Hanna protests, music ‘is sucking my heart out my mind.’ She wants to know how to restore rock’s purpose and passion...”

25. In 2019, Sasha Geffen, music critic and author of the book *Glitter Up the Dark: How Pop Music Broke the Binary*, examined Deceptacon in a retrospective article for Red Bull Music Academy titled “Key 1999 Tracks: Le Tigre’s ‘Deceptacon’” with the tagline, “Sasha Geffen delves into the history and impact of the 1999 political pop song that helped usher in the electroclash era.” Geffen observed that, following its release in 1999, Deceptacon “would prove to be a rallying cry for a whole new generation of queers, women and other marginalized young shitstarters.” Geffen identified it as a song that took a “heteronormative love song” and “turn[ed] it into a rallying cry for feminine independence.” Geffen explained that Deceptacon “split apart the expected structure of the electronic pop song and stitched it back together deliriously and delightfully wrong.”

26. In the same article, Geffen reported on their phone interview with Fateman, who explained that the song was based on “deconstruction” of existing music. “All of the masculinist values that run through that stuff at every level, at the level of who plays guitar, who made this note – that’s what we thought about all the time.”

27. The lyrics of Deceptacon are as follows:

Who took the bomp?

Every day and night, every day and night
I can see yr disco, disco dick

Is sucking my heart out of my mind
I'm outta time, I'm outta fucking time
I'm a gasoline gut with a Vaseline mind, but
Wanna disco? Wanna see me disco?
Let me hear you depoliticize my rhyme
(One, two, three, four)
You got what you been asking for
Yr so policy free and yr fantasy wheels
And everything you think and everything you feel
Is alright, alright, alright, alright

I take you home, now watch me get you hot
Yr just a parrot when yr screaming and yr shouting
"More crackers, please! More crackers, please!"
You want what you want but you don't wanna be on your knees
Who does yr, who does yr hair?

Who took the bomp from the bomp-a-lomp-a-lomp?
Who took the ram from the rama-lama-ding-dong?
Who took the bomp from the bomp-a-lomp-a-lomp?
Who took the ram from the rama-lama-ding-dong?

"How are you?"
"Fine, thank you"
"How are you?"
"Fine, thank you"

You bought a new van the first year of yr band
Yr cool and I hardly wanna say "not"
Because I'm so bored
That I'd be entertained even by a stupid floor
A linoleum floor, linoleum floor
Yr lyrics are dumb like a linoleum floor
I'll walk on it, I'll walk all over you
Walk on it, walk on it, walking one, two

(Who? Who? Who? Who?)
Who took the bomp from the bomp-a-lomp-a-lomp?
Who took the ram from the rama-lama-ding-dong?
Who took the bomp from the bomp-a-lomp-a-lomp?
Who took the ram from the rama-lama-ding-dong?

"See you later"
"See you later"
"See you later"
"See you later"

<https://genius.com/Le-tigre-deceptacon-lyrics>.

Defendants’ Frivolous But Persistent Legal Threats

28. On July 30, 2021, Mr. Mann, through his lawyer Daniel Schacht of the law firm Donahue Fitzgerald LLP, sent a cease-and-desist letter to Le Tigre’s publisher in New York City, Terrorbird Publishing LLC (“Terrorbird”). In the letter, Mr. Mann’s lawyer asserted that Terrorbird “is engaged in the unlawful distribution and purported licensing of” Deceptacon because the song, “without permission, interpolates the lyrics and other elements of [Bomp], co-written (with Gerry Goffin) by Mr. Mann. That, put simply, is copyright infringement.” The letter does not identify what lyrics or “other elements” of Bomp were purportedly infringed by Deceptacon. In addition to demanding that Terrorbird cease all marketing, sales, and distribution of Deceptacon, the letter demands that Terrorbird “identify every license or other arrangement that used or purported to grant rights to” Deceptacon; “[d]isclose all contact information of entities distributing, selling, advertising, or engaging any other activity related to Mr. Mann’s Song;” and “[p]rovide an accounting of all revenue from or related to” Deceptacon. A copy of that letter is attached hereto as Exhibit A.

29. On August 3, 2021, Susan Min, on behalf of Wixen, sent an email to a New York City-based representative of The Walt Disney Company (“Disney”) – one of Le Tigre’s licensees – asserting infringement of Bomp by Deceptacon and demanding that Disney pay to retro-license the use of Deceptacon in a 2020 Disney film or face “immediate[] escalat[ion]” of the matter. Ms. Min copied Daniel Schacht, Mr. Mann’s lawyer, on the email and asserted that Wixen “on behalf of Dyad Music Ltd. (BMI) controls 50% of [Bomp] throughout the United States.” That email is attached hereto as Exhibit B.

30. Counsel for Terrorbird, Christopher Marino, wrote to Daniel Schacht by letter on

August 19, 2021, in response to Mr. Mann’s demand letter and Wixen’s email to Disney asserting that Deceptacon infringes Bomp. Mr. Marino’s letter set out some of the reasons that Defendants’ infringement claims were meritless, advised Defendants that their actions constituted intentional interference with contractual relations, and demanded that Defendants withdraw their unfounded claims and refrain from contacting other licensees of Deceptacon. That letter is attached hereto as Exhibit C.

31. Following receipt of Christopher Marino’s letter on August 19, Daniel Schacht sent an email to Disney that same day further threatening legal action if Disney would not pay Mr. Mann to retro-license the use of Deceptacon in Disney’s 2020 film. A copy of that email is attached hereto as Exhibit D.

32. Defendants do not identify in their missives precisely which lyrics or “other elements” of Bomp that they claim Le Tigre misappropriates in Deceptacon, but it is apparent from reading the lyrics of the two songs which lyrics they take issue with – and why their copyright infringement claim is frivolous on its face.

33. Deceptacon makes reference to only two lines in Bomp: “Who put the bomp in the bomp bah bomp bah bomp?” and “Who put the ram in the rama lama ding dong?”. But in Le Tigre’s hands, the Bomp lyrics are turned upside down. Deceptacon begins with the question “Who took the bomp?” and asks in its bridge “Who *took* the bomp *from* the bomp-a-lomp-a-lomp?” and “Who *took* the ram *from* the rama-lama-ding-dong?”

34. Originality is “the *sine qua non* of copyright,” and “copyright protection may extend only to those components of a work that are original to the author.” *Feist Publ’ns., Inc. v. Rural Tel. Sem Co.*, 499 U.S. 340, 348 (1991). As discussed above, the bulk of the lyrics at issue here – “bomp”, “bomp bah bomp bah bomp”, “ram”, and “rama lama ding dong” – are not

original to Bomp, but rather were commonplace doo-wop devices of the time and specifically appear to have been copied from earlier works: The Marcel’s “Blue Moon” and The Edsels’ “Rama Lama Ding Dong.” Because these central portions of the Bomp lyrics at issue were not independently created by Mr. Mann, but rather were copied from Black doo-wop artists popular around 1961, Defendants have no copyright interest in them.

35. This leaves the Bomp lyrics “who put the” and “in the” as the only possible hook on which Defendants could hang a copyright claim. The problem for Defendants is that words and short phrases are not copyrightable. 37 C.F.R. § 202.1(a). Even if Defendants’ selection and arrangement of these commonplace words and phrases enjoyed “thin” copyright protection (which they do not), Deceptacon would have to copy those words and phrases *verbatim* to constitute infringement, and Deceptacon does not. Rather, Deceptacon transforms the question in Bomp – “who put the...in the...” – to ask a different, accusatory question: “who *took* the...*from* the...”. And Deceptacon shares no similarities with Bomp regarding tone, harmony, melody, rhythm, or other musical elements. In sum, there is no substantial similarity of protectable expression, and it should be plain to any observer with a modicum of knowledge of black-letter copyright law that there are no colorable grounds for Defendants’ copyright claim.

36. Moreover, it is clear both from a comparison of Deceptacon’s and Bomp’s lyrics as a whole, and from the two songs’ markedly dissimilar tonal, sonic, rhythmic, and musical styles, that Deceptacon makes transformative use of the sliver of Bomp lyrics at issue (which include the uncopyrightable titles of Bomp and The Edsels’ popular song “Rama Lama Ding Dong”) to reference and deliver a biting commentary on Bomp and other songs like it.

37. Deceptacon references Bomp purposefully to put the work in conversation with musical history and to poke fun at the simple way the narrator in Bomp parrots (or “takes”) the

lyrics of prior artists. Bomp’s narrator merges multiple songwriters and performers into a single anonymous “man,” and credits “him” with winning the love of a naïve woman, whom he calls his “baby.” It is clear both from reading the lyrics and listening to Deceptacon that it is a pointed song, and perhaps a little mournful – in sharp contrast to Bomp’s sugar-sweet, glib paean to the benefits of doo-wop for men. Deceptacon’s lyrics and music speak to its authors’ exasperation with male bands and the music industry in light of the treatment of women artists and in the particular context of the brief “women in rock” moment of the 1990s.

38. Regarding the innovative musical style of Deceptacon, Sasha Geffen incisively explained in their 2019 article for Red Bull Music Academy:

Le Tigre’s unconventional sound-sourcing strategy complemented their renegade approach to writing. “Deceptacon” doesn’t really have a chorus. Because it revolves around a single four-note bassline and its structure never shifts from bedrock, every single element that comes in hits like a barbed hook. The sampled handclaps, the guitar riff (there’s only one, and it gets sped up to a hilarious clip for the “noodly” parts), the “who took the bomp” (a play on Barry Mann’s 1961 hit “Who Put the Bomp (in the Bomp, Bomp, Bomp)”), all crash into the ear in such a whirlwind that the ear craves more of them. These disparate sound bites, plucked from far-flung sources, tug on your attention like a bee sting. Instead of playing to the tension and release that govern traditional pop songs, Le Tigre aimed a candy-cruised torpedo straight at their listeners’ pleasure centers.

<https://daily.redbullmusicacademy.com/2019/03/le-tigre-deceptacon-key-tracks>.

39. For all these reasons and more, Deceptacon is emblematic of the kind of parodic, transformative work protected by Section 107 of the Copyright Act under the fair use doctrine.

40. Yet, despite Terrorbird’s response to Defendants explaining why Defendants’ copyright claims are meritless, Defendants persist in their demands for payment and threats to sue Terrorbird and Le Tigre’s licensee, Disney, if their demands are not met – most recently in an email sent to Terrorbird two days ago, on October 6. Defendants no doubt next will come for Le Tigre and their other licensees with their frivolous claims if the Court does not resolve this

matter in a firm and conclusive manner.

COUNT I – DECLARATORY RELIEF

(28 U.S.C. § 2201, *et seq.* and 17 U.S.C. § 101, *et seq.*)

41. Plaintiffs incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth in this paragraph.

42. There is a real and actual controversy between Le Tigre and Defendants regarding whether Le Tigre’s song Deceptacon – which Plaintiffs coauthored and own the copyright in – infringes a copyright that Defendants lawfully own or administer.

43. Defendants’ conduct threatens Le Tigre’s ability to continue to license and otherwise exploit Deceptacon, and it interferes with Le Tigre’s relationships with its publisher and licensees. If allowed to continue, Defendants’ conduct could cause catastrophic financial damage to Le Tigre. The controversy between Le Tigre and Defendants is thus real and substantial and demands specific relief through a decree of a conclusive character.

44. Le Tigre is entitled to declaratory judgment that Deceptacon does not infringe Defendants’ copyright in Bomp, including injunctive relief to enjoin Defendants from making assertions of infringement and demands to Le Tigre’s licensees.

**COUNT II – TORTIOUS INTERFERENCE
WITH PROSPECTIVE ECONOMIC ADVANTAGE**

(New York Common Law)

45. Plaintiffs incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth in this paragraph.

46. Defendants’ aforesaid conduct is intentionally interfering with Le Tigre’s economic prospects for licensing Deceptacon to current and future licensees.

47. Defendants’ aforesaid conduct is deliberate, wrongful, and improper, as Defendants have no basis, and knew or should have known that they have no basis, for asserting

that Deceptacon infringes any rights of Defendants.

48. As a direct and proximate result of Defendants' foregoing acts, Le Tigre has been damaged in an amount to be proved at trial.

JURY TRIAL DEMAND

Plaintiffs hereby request a trial by jury on all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- A. For a declaration that Deceptacon does not infringe Defendants' copyright in Bomp;
- B. For an order enjoining Defendants, and their agents, attorneys, and assigns, from asserting a copyright claim against Le Tigre, its publisher, its agents, and/or any of its licensees in connection with Deceptacon;
- C. For damages according to proof;
- D. For costs of suit incurred herein, including reasonable attorneys' fees; and
- E. For such other and further relief as the Court deems just and proper.

Dated: October 8, 2021
New York, New York

By:



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